

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA, ex rel.
DEBRA PARKS

v.

ALPHARMA, INC., et al.

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CIVIL NO. RDB-06-02411

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2010 AUG 24 P 12:20

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MEMORANDUM ORDER

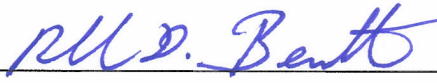
Presently pending before this Court is the Motion to Stay Further Proceedings (Paper #49) filed by the Plaintiff Debra Parks. The Defendant Alpharma, Inc. has filed an opposition to said motion. This case has been pending for four years. For the reasons set forth herein, the Plaintiff's Motion to Stay Further Proceedings (Paper #49) is DENIED.

The Plaintiff filed this case in 2006, and it remained under seal until March of 2010. In 2009 the Plaintiff filed a separate cause of action against the Defendant Alpharma, Inc. in the Circuit Court for Baltimore City. In her memorandum of support for the pending motion (Paper #49-1) she acknowledges that that state action is "based largely on the same facts" as the claim in this case. Her state action was dismissed for failure to state a claim upon which relief could be granted and she has now filed an appeal to the Court of Special Appeals of Maryland. She has suggested in her memorandum that if she is successful on the appeal of her state case she "would be inclined to dismiss this action." There is simply no basis for this Court to stay this action on this suggested basis.

The United States Court of Appeals for the Fourth Circuit in *Williford v. Armstrong* World Industries, Inc. 715 F.2d 124 (4th Cir. 1983) established the standards by which such a

request for stay should be analyzed. The Plaintiff fails to justify a stay in this case in light of the standards set forth in the Fourth Circuit. Many of the employees of the Defendant are no longer employed and there has been a considerable passage of time since the filing of this action. Accordingly, there is prejudice to the Defendant Alpharma that would result from yet another delay in this case. See *In re Mid-Atlantic Toyota Antitrust Litigation*, 92 F.R.D., 358,359 (D. Md. 1981).

Accordingly, IT IS HEREBY ORDERED THIS 24th Day of August, 2010, that the Plaintiff Debra Parks' Motion to Stay Further Proceedings (Paper #49) is DENIED.



Richard D. Bennett
United States District Judge